

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 9, 18, 28-31 have been amended. Claims 15 and 25 have been canceled. The pending claims in the instant application are now claims 9-13, 16-24 and 26-31. No new matter has been added.

Rejection Under 35 U.S.C. §112, First Paragraph

The examiner rejected claims 9-13, 15-22 and 24-31 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended claims 9, 18, 28-31 to methods for stimulating erythropoiesis using thrombopoietin using (a) a protein comprising the sequence of amino acids of SEQ ID NO: 4 from amino acid residue 45 to amino acid residue 379; (b) a protein comprising a sequence of amino acids shown in SEQ ID NO: 2 from amino acid residue 1 to residue 353; and (c) a protein comprising the sequence of amino acids shown in SEQ ID NO: 2 from amino acid residue 22 to residue 353. The amended claims now only encompass mouse and human thrombopoietins that are clearly described throughout the specification. For example, on page 6, lines 2-5; the specification discloses full length mature human and mouse thrombopoietins. Applicant submits that the examiner's rejection that the written description element of the statute has been met, and request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 9-13, 15-22 and 24-31 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

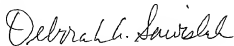
Claims 9, 18, and 28-31 have been amended to delete "species homologs" thereby obviating the examiner's rejection to those claims and their dependent claims. Applicant has amended claims 18 and 28 to recite: "a composition comprising an erythropoietin protein and" in the claim preamble as recommended by the examiner. Claim 30 has been amended to recite "protein" and now has proper antecedent basis.

Applicant submits that all the rejections have addressed and overcome, and therefore request that the examiner withdraw the rejections and allow the claims.

Summary

In light of the above amendments and remarks, reconsideration and withdrawal of the rejections are respectfully requested. It is, thus, respectfully requested that claims 9-13, 16-24 and 26-31 are in condition for allowance and notification to that effect is respectfully requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6672.

Respectfully Submitted,



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